

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

WANDA LIZA LO, M.D.)

Case No. 800-2015-019065

**Physician's and Surgeon's)
Certificate No. G45357)**

**Respondent)
_____)**

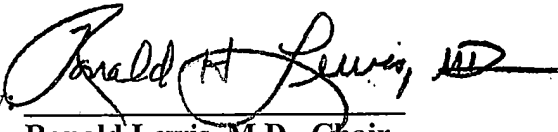
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 19, 2018.

IT IS SO ORDERED November 19, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 

**Ronald Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-019065

13 **WANDA LIZA LO, M.D.**
14 **1235 Osos St. #100**
15 **San Luis Obispo, CA 93401**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate No. G
45357**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,
24 Deputy Attorney General.

25 2. Respondent Wanda Liza Lo, M.D. (Respondent) is represented in this proceeding by
26 attorney David R. Lucchese, Galloway Lucchese Everson & Picchi, 2300 Contra Costa Blvd.,
27 Suite 350, Pleasant Hill, CA 94523.
28

1 3. On or about July 10, 1981, the Board issued Physician's and Surgeon's Certificate No.
2 G 45357 to Wanda Liza Lo, M.D. (Respondent). The Physician's and Surgeon's Certificate was
3 in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-
4 019065, and will expire on June 30, 2019, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2015-019065 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 21, 2018. Respondent timely filed her Notice of
9 Defense.

10 5. A copy of Accusation No. 800-2015-019065 is attached as exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2015-019065. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent agrees that, at an administrative hearing, Complainant could establish a
27 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-
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1 2015-019065 and that she has thereby subjected her Physician's and Surgeon's Certificate to
2 discipline as forth in the Disciplinary Order below.

3 CONTINGENCY

4 10. This stipulation shall be subject to approval by the Medical Board of California.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
6 Board of California may communicate directly with the Board regarding this stipulation and
7 settlement, without notice to or participation by Respondent or her counsel. By signing the
8 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
9 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
10 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
11 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
12 action between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
16 signatures thereto, shall have the same force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 45357 issued
22 to Respondent Wanda Liza Lo, M.D. is hereby publicly reprimanded pursuant to California
23 Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in
24 connection with Respondent's actions as set forth in Accusation No. 800-2015-019065, is as
25 follows:

26 On or about August 24, 2011, you discharged a newborn with elevated transcutaneous
27 bilirubin reading at 18 hours of life without obtaining further bilirubin assessment.
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1 A. EDUCATION COURSE

2 Within 30 calendar days of the effective date of this Decision, Respondent shall enroll
3 in 8 hours of CME course(s) on neonatal care, including hyperbilirubinemia, approved in advance
4 by the Board or its designee. Respondent shall provide the approved course provider with
5 any information and documents that the approved course provider may deem pertinent.
6 Respondent shall participate in and successfully complete 8 hours of CME course(s) on
7 neonatal care, including hyperbilirubinemia, not later than three (3) months after Respondent's
8 initial enrollment. The 8 hours of CME course(s) on neonatal care, including
9 hyperbilirubinemia, shall be at Respondent's expense and shall be in addition to the
10 Continuing Medical Education (CME) requirements for renewal of licensure.
11

12 CME course(s) on neonatal care, including hyperbilirubinemia, taken after the acts that
13 gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in
14 the sole discretion of the Board or its designee, be accepted towards the fulfillment of this
15 condition if the course would have been approved by the Board or its designee had the course
16 been taken after the effective date of this Decision.
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18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the 8 hours of the required
20 course(s), or not later than 15 calendar days after the effective date of the Decision, whichever is
21 later.
22

23 Respondent understands that failure to submit and/or complete the 8 hours of CME
24 course(s) on neonatal care, including hyperbilirubinemia, as set forth above, would constitute
25 unprofessional conduct and grounds for further disciplinary action. If Respondent fails to enroll,
26 participate in, or successfully complete the 8 hours of CME course(s) within the designated time
27 period, Respondent shall receive a notification from the Board or its designee to cease the
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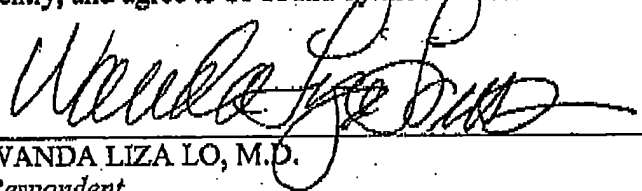
1 practice of medicine within three (3) calendar days after being so notified.

2 In consideration for her agreement to complete the 8 hours of CME course(s) on neonatal
3 care, including hyperbilirubinemia, as set forth above, Respondent shall be publicly reprimanded
4 as set forth in Paragraph 12(A).

5 ACCEPTANCE


6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
7 discussed it with my attorney. I understand the stipulation and the effect it will have on my
8 Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary
9 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
10 of the Medical Board of California.

11 DATED: 9/26/2018


12 WANDA LIZA LO, M.D.
13 Respondent

14 I have read and fully discussed with Respondent Wanda Liza Lo, M.D. the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17 DATED: 9/26/2018


18 DAVID R. LUCCHESI
19 Attorney for Respondent

20 ENDORSEMENT

21 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
22 submitted for consideration by the Medical Board of California.

23 Dated: 9/27/2018

Respectfully submitted,

24 XAVIER BECERRA
25 Attorney General of California
26 MARY CAIN-SIMON
27 Supervising Deputy Attorney General



28 ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2015-019065

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 30, 2018
BY *[Signature]* ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-019065

13 **Wanda Liza Lo, M.D.**
14 **1235 Osos St. #100**
15 **San Luis Obispo, CA 93401**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 45357,**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about July 10, 1981, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 45357 to Wanda Liza Lo, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on June 30, 2019, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

"(f) Approving undergraduate and graduate medical education programs.

"(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

"(h) Issuing licenses and certificates under the board's jurisdiction.

"(i) Administering the board's continuing medical education program."

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 “(b) Gross negligence.

4 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

7 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for
8 that negligent diagnosis of the patient shall constitute a single negligent act.

9 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a
11 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
12 applicable standard of care, each departure constitutes a separate and distinct breach of the
13 standard of care.

14 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Gross Negligence)

3 7. Respondent is subject to disciplinary action for unprofessional conduct under section
4 2234 (b) of the Code in that Respondent's overall conduct, acts and omissions, with regard to
5 Patient A¹ constitutes gross negligence, as more fully described herein below.

6 8. On August 23, 2011, Patient A, a newborn, was delivered without complications at
7 9:22 a.m. at French Hospital Medical Center in San Luis Obispo, California. Patient A's newborn
8 admission assessment and findings were unremarkable and vital signs were normal.

9 9. On August 24, 2011, at 3:35 a.m., Patient A received a transcutaneous bilirubin²
10 reading of 8.9, which was taken from the newborn at 18 hours of life. The 8.9 reading falls in the
11 high risk zone of the "Bhutani Curve,"³ placing the newborn's risk above the 95th percentile for
12 continued rise of the bilirubin⁴ requiring treatment.⁵

13 10. Respondent was the on call pediatrician who examined the newborn at approximately
14 8:00 a.m. on August 24, 2011 and signed the discharge orders at 8:30 a.m. Respondent did not
15 comment on the elevated transcutaneous bilirubin measurement of 8.9 at 18 hours of life in her

16
17 ¹ The patient is designated in this document as Patient A to protect the patient's privacy.
Respondent knows the name of the patient and can confirm the patient's identity through discovery.

18 ² Transcutaneous bilirubin is a measurement of how much bilirubin is in a baby's blood without
19 using a needle. A meter is placed on the baby's head or chest. The meter sends a quick flash of light
through the skin to measure the bilirubin level.

20 ³ In 2004, the American Academy of Pediatrics published guidelines to obtain bilirubin assessment
21 either by transcutaneous screening or serum testing prior to discharge and to use the "Bhutani Curve" to
22 interpret for risk of subsequent requirement for treatment. The Bhutani Curve provides a set of statistical
probabilities that a particular bilirubin level at a particular time (age of newborn) will continue to climb to
23 the point of requiring treatment. This allows for proper monitoring of bilirubin levels, as well as for
allowing for the possibility of treating an infant before the bilirubin level makes it to a dangerous level.

24 ⁴ Bilirubin is produced in the breakdown of red blood cells. The liver helps break down the
25 substance so that it can be removed from the body in urine and stool. After the delivery of a newborn, the
newborn's liver does not function at 100%, leading to a potential buildup of bilirubin.

26 ⁵ Bilirubin that is not metabolized accumulates in the tissues. Accumulation in the skin, conjunctiva
27 and mucous membranes is what causes the yellowish discoloration, known as jaundice. The buildup in the
28 skin is not toxic or dangerous; however, build up in the central nervous system, the brain in particular, can
be toxic. When enough bilirubin accumulates in the brain, it causes bilirubin encephalopathy, which is
damage to the brain tissue, also known as kernicterus.

1 examination or discharge notes. However, the measurement is clearly recorded by the nurse just
2 below the examination portion of the form and above the discharge instructions which were
3 completed by Respondent.

4 11. Respondent discharged Patient A without obtaining further bilirubin assessment either
5 by another transcutaneous screening or serum testing.

6 12. After Patient A was discharged, Patient A was seen by another pediatrician five days
7 later and noted to be overtly jaundiced. Patient A was diagnosed with hyperbilirubinemia⁶ with a
8 serum bilirubin of 33.9. Despite treatment, Patient A developed cerebral palsy, consistent with
9 neurological damage from the extremely elevated bilirubin level.

10 13. Respondent's overall conduct, acts and/or omissions, with regard to Patient A, as set
11 forth in paragraphs 8 through 12 herein, constitutes unprofessional conduct through gross
12 negligence, pursuant to Sections 2234 (b) and is therefore subject to disciplinary action. More
13 specifically, Respondent is guilty of unprofessional conduct with regard to Patient A as follows:

14 a. Respondent failed to properly assess for hyperbilirubinemia based on one
15 elevated transcutaneous bilirubin reading of 8.9, which placed Patient A above the 95 percentile
16 for continued rise of the bilirubin to require treatment.

17 b. Respondent failed to obtain a further bilirubin assessment either by
18 transcutaneous screening or serum testing, prior to discharge of Patient A.

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27 ⁶ Hyperbilirubinemia is a condition in which there is an abnormally high level of bilirubin in the
28 blood.

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1. Revoking or suspending Physician's and Surgeon's Certificate Number G 45357,
issued to Wanda Liza Lo, M.D.;

3. Ordering Wanda Liza Lo, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

Kimberly Kirchmeyer
KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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